

BEFORE THE MONTGOMERY COUNTY BOARD OF APPEALS

**Office of Zoning and Administrative Hearings
Stella B. Werner Council Office Building
Rockville, Maryland 20850
(240) 777-6660**

IN THE MATTER OF:

PETITION OF SUBURBAN HOSPITAL, INC. ,

Petitioner

Barbara A. Sears, Esquire

Erin Girard, Esquire

Counsel for the Petitioner

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Martin Klauber, Esquire

People's Counsel for Montgomery County

Partially in Support and Partially in Opposition

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Norman G. Knopf, Esquire

Mollie Habermeier, Esquire

Counsel for the Huntington Terrace

Citizens Association

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* Board of Appeals Case Nos.

* S-274-D and A-6254

* (OZAH Referral Nos.

08-31 and 08-32)

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ERRATA STATEMENT

The Report and Recommendation in the above-captioned case dated June 18, 2010 contained inadvertent errors that need to be corrected. This errata statement is hereby incorporated into the Report and Recommendation and sets forth the following corrections and clarifications.

1. The cover page misspells the first name of Huntington Terrace counsel Mollie Habermeier, misspells the last name of Suburban Hospital counsel Erin Girard, and fails to add "Esquire" after the names of both Huntington Terrace counsel. No disrespect was intended. The cover page should be replaced with the enclosed page.

2. On page 8, the last sentence of the penultimate paragraph should end with "individual lots facing McKinley Street, Lincoln Street, Southwick Street and Grant Street."

3. Page 20 refers to a table, but the table was not actually inserted into the report. The heading and table should appear as follows:

Size Deficiency Table, from Ex. 114 at 9

	Suburban Hospital	Current Industry Standard
Radiology	5,500 sf	9,600 sf
Laboratory	11,600 sf	16,700 sf
Pharmacy	2,500 sf	3,900 sf
Nursing unit(s)	99,200 sf	214,700 sf
Surgery/Operating Rooms	48,000 sf	77,700 sf
Emergency Department	14,200 sf	33,000 sf
Other Support Areas	142,145 sf	217,500 sf
Total	323,100 sf	573,100 sf

Total Size Deficiency = 250,000 sf

4. The last paragraph on page 66, continuing on page 67, states that “homes can be removed for the proposed expansion, consistent with the Master Plan and compatibility requirements, only if the removal is limited to the eight homes that abut only Lincoln Street.” Counsel for both Suburban Hospital (“Suburban” or “the Hospital”) and the Huntington Terrace Citizens’ Association (“HTCA”) have indicated a need for clarification as to whether the Hearing Examiner intended to recommend that the house on the northeast corner of Lincoln Street may be removed. The Hearing Examiner intentionally excluded this house from the eight houses recommended for removal because, while its driveway and front door are on Lincoln Street, it abuts Grant Street as well, and its removal would leave a hole in the residential fabric of Grant Street. Having said that, clearly the house needs roadway access. In the event that legal obstacles prevent the house from obtaining an address and/or a driveway on Grant Street, the Board of Appeals may wish to consider, if the case is remanded, whether the Hospital should be permitted to remove this corner house or should be directed to create a cul-de-sac on the former Lincoln Street to serve the house.

5. On page 94, the second full paragraph begins “one Huntington Terrace resident who testified in support . . . “ and is followed by a citation to “Tr. 12-12-09 at 61.” The reference was to Daniel Keen, who lives four blocks from Suburban Hospital and testified in support of the proposed expansion. The reference to Mr. Keen as a Huntington Terrace resident was incorrect. Although Mr. Keen lives as close to the Hospital as some Huntington Terrace residents, his residence is outside

the boundaries of Huntington Terrace. The transcript reference was also incorrect, and should read “Tr. 12-12-08 at 60-61.”

6. On page 130, at the end of the second sentence, “the west side of Grant” should read “the east side of Grant.”

7. Pages 137 to 144 summarize various hospital expansion alternatives that were the subject of extensive testimony. Counsel for the Hospital and the HTCA have noted the absence of any reference to a second plan that the Hospital and the HTCA jointly developed during 2001. This was an inadvertent omission that needs to be corrected with the insertion of a new paragraph. The partial paragraph at the top of page 142 should end with “It was rejected by the HTCA membership, however, because it involved closing Lincoln Street. See *id.*, HTCA Newsletter, at Ex. 284.” This should be followed a new paragraph reading as follows:

“Shortly after the Huntington Terrace community rejected the 2000 plan, a liaison committee was appointed by HTCA that worked with Suburban, the People’s Counsel and Technical Staff from the MNCPPC to develop another concept for the expansion. See Tr. 5-29-09 at 166. The Hospital described the main elements of the concept (in a document prepared for a final work session on with HTCA representatives on October 9, 2001) as a new East Tower on the Old Georgetown Road side of the existing hospital building; 1,180 parking spaces on site including some beneath the East Tower; landscaping and amenities along Lincoln Street; removal of two houses on Lincoln Street to accommodate a new parking garage; preservation of houses on Grant and Southwick streets as a buffer zone; and a potential relocated entrance on McKinley Street, for ambulances and other Emergency Department traffic, if the Hospital decided to relocate the Emergency Department to the southeast corner of the building to avoid a disruption in service. See Ex. 376 at 3, 7. It appears that some HTCA representatives approved of at least some of these elements, see Tr. 5-29-09 at 170, but the HTCA Board communicated to the Hospital that the plan was unacceptable because it included a parking garage on residentially zoned property and it would remove houses. See Ex.

431(d)(2). Shortly thereafter the head of the Hospital changed, and the 2001 plan was shelved. Mr. Corapi objected to even referring to a “2001 plan” because it was never more than a concept – the Hospital did not consider it further once the HTCA had rejected it. Moreover, in Mr. Corapi’s view, the 2001 plan was not viable then and is not viable now.”

8. On page 143, the second sentence in the partial paragraph at the bottom of the page contains empty quotation marks. The end of that sentence should read as follows: “. . . when he testified that “what we are proposing best meets the needs of the community because it best meets the needs of the hospital.” Tr. 7-24-09 at 165.

9. On page 144, the first paragraph under “M. Community Participation” states that one Huntington Terrace resident testified in support of the Hospital. This was an incorrect reference to Mr. Keen, who lives four blocks from Suburban but outside the boundaries of Huntington Terrace.

Dated: June 25, 2010

Respectfully submitted,

A handwritten signature in black ink, reading "Françoise M. Carrier". The signature is written in a cursive style with a large, stylized "F" and "C".

Françoise M. Carrier
Hearing Examiner

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IN THE MATTER OF:
PETITION OF SUBURBAN HOSPITAL, INC. ,
Petitioner

Matthew J. Bell	Adrian Hagerty	Jacqueline Schultz
Laura Lynn Bergfeld	Scott Harvey	Mark Douglas Vogt
Frank G. Bossong IV	Matthew J. Leaken	Dany Westerland
Gene Anthony Corapi	Ryland L. Mitchell, III	Martin Wells
John Daniel Coventry	Jane Pryzgocki	Douglas M. Wrenn
For the Petitioner		

Barbara A. Sears, Esquire

Erin Girard, Esquire

Counsel for the Petitioner

* * * * *

Maryann Brondi	Marilyn Mazuzan
Alan Ehrlich	Virginia A. Miller
Daniel Keen	Jerome Morenoff
In Support of the Petition	

* * * * *

Martin Klauber, Esquire

People's Counsel for Montgomery County

Partially in Support and Partially in Opposition

* * * * *

Amy Shiman	Jean Ann Dorough	Kenneth Doggett
Bob Deans	Howard Sokolove	

For the Huntington Terrace Citizens Association in Opposition

Norman G. Knopf, Esquire

Mollie Habermeier, Esquire

Counsel for the Huntington Terrace Citizens Association

* * * * *

Lori Fish Bard	Stephen Godwin	Nicole Morgan
Kate Cameron Atkinson	Wayne Goldstein	Robert Resnik
Jeff Baron	Greg Harris	Amy Royden-Bloom
Stuart Borman	Leslie Hildebrand	Robert Sievers
Jerome Collins	Margaret Hilton	Susan Snyder
Margot Cook	Galina Knopman	Francis May Ulmer
John Farier Cooper	Jeffrey Kopp	Mitchell Weber
Robert Cope	Susan Nancy Labin	Bob Wisman
Jay Davies	David Mangurian	Michael Wohl
Arielle Grill		

In Opposition to the Petition

* * * * *

Before: Françoise M. Carrier, Hearing Examiner

HEARING EXAMINER'S REPORT AND RECOMMENDATION